

House Bill 475 (AS PASSED HOUSE AND SENATE)

By: Representatives Cooper of the 41st, Harbin of the 118th, Lindsey of the 54th, Houston of the 170th, Wilkinson of the 52nd, and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to revise the requirements for nursing education programs required for licensure as an advanced practice registered nurse, registered professional nurse, or licensed practical nurse; to revise certain provisions relating to requirements for registered professional nurses in nontraditional nursing education programs; to provide for temporary permits for approved preceptorships; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by revising paragraph (1.1) of Code Section 43-26-3, relating to definitions, and adding a new paragraph as follows:

"(1.1) 'Advanced practice registered nurse' means a registered professional nurse licensed under this chapter who is recognized by the board as having met the requirements established by the board to engage in advanced nursing practice and who holds a master's degree or other graduate degree ~~approved by the board~~ from an approved nursing education program and national board certification in his or her area of specialty, or a person who was recognized as an advanced practice registered nurse by the board on or before June 30, 2006. This paragraph shall not be construed to require a certified registered nurse anesthetist who graduated from an approved nurse anesthetist educational program prior to January 1, 1999, to hold a master's degree or other graduate degree.

(1.2) 'Approved nursing education program' located in this state means a nursing education program approved by the board as meeting criteria established by the board. An 'approved nursing education program' located outside this state means a nursing education program that the board has determined to meet criteria similar to and not less

stringent than criteria established by the board. In order to be approved by the board, a nursing education program must be one that is offered by:

(A) A unit of the University System of Georgia accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;

(B) An institution of the Technical College System of Georgia accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;

(C) A nonprofit postsecondary institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education;
or

(D) A proprietary institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education."

SECTION 2.

Said chapter is further amended by revising Code Section 43-26-7, relating to requirements for licensure as a registered professional nurse, as follows:

"43-26-7.

(a) Any applicant who meets the requirements of this Code section shall be eligible for licensure as a registered professional nurse.

(b) An applicant for licensure by examination shall:

(1) Submit a completed written application and fee;

~~(2)(A) Have graduated from a nursing education program approved by the board or which meets criteria similar to, and not less stringent than, those established by the board~~ an approved nursing education program, as defined in Code Section 43-26-3; or

(B)(i) Notwithstanding subparagraph (A) of this paragraph, have graduated from a nontraditional nursing education program approved by the board which meets the requirements in subsection (e) of this Code section; and

(ii)(I) If entered the nontraditional nursing education program as a licensed practical nurse with at least three years of clinical experience in a health care facility as a licensed practical nurse whose academic education as a licensed practical nurse included clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness, have completed a 350 hour postgraduate preceptorship arranged by the applicant under the oversight of a registered professional nurse where such applicant is transitioned from the role of a licensed practical nurse to a registered professional nurse. The preceptorship shall have prior approval of the board and successful completion of the preceptorship shall be verified in writing by the preceptor; or

(II) If entered the nontraditional nursing education program as (1) a military medical corpsman or paramedic or (2) a licensed practical nurse with less than three years of clinical experience in a health care facility as a licensed practical nurse whose academic training as a licensed practical nurse did not include clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness, have completed a 700 hour postgraduate preceptorship arranged by the applicant under the oversight of a registered professional nurse and approved by the board. Such preceptorship shall include clinical practice in a health care facility in pediatrics, obstetrics and gynecology, medical-surgical, mental illness, and transition into the role of a registered professional nurse. The preceptorship shall have prior approval of the board and successful completion of the preceptorship shall be verified in writing by the preceptor.

Applicants who, before July 1, 2008, entered a nontraditional nursing education program which meets the requirements of subsection (e) of this Code section and complete such program no later than June 30, 2011, shall be deemed to meet the criteria of this paragraph; provided, however, that the board shall have the discretion to require additional clinical hours of experience of applicants who (i) did not enter the nontraditional nursing education program as a licensed practical nurse, or (ii) entered the nontraditional nursing education program as a licensed practical nurse but does not have at least one year of clinical experience in a health care facility as a licensed practical nurse, if such applicant's clinical experience is deemed lacking by the board;

(3) Pass a board recognized licensing examination; provided, however, that such examination may not be taken prior to graduation from the approved nursing education program. In no way shall the passage of such examination by a graduate of a nontraditional nursing education program who does not meet the other requirements of this subsection be construed to authorize such individual to practice nursing, to require the board to license such individual as a registered professional nurse other than to issue in its sole discretion a temporary permit pursuant to Code Section 43-26-8, or to be endorsed from another state as a registered professional nurse;

(4) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for licensure by examination agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable

sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check; and

(5) Meet such other criteria as established by the board.

(c) An applicant for licensure by endorsement shall:

(1) Submit a completed written application and fee;

(2)(A) Have passed a board recognized licensing examination following graduation from ~~a nursing education program approved by the board or which meets criteria similar to, and not less stringent than, those established by the board;~~ an approved nursing education program, as defined in Code Section 43-26-3; or

(B) Notwithstanding subparagraph (A) of this paragraph, have graduated from a nontraditional nursing education program approved by the board which meets the requirements in subsection (e) of this Code section;

(3) Submit verification of initial and current licensure in any other licensing jurisdiction administering a board recognized licensing examination;

(4)(A) Have practiced nursing as a registered professional nurse for a period of time as determined by the board or have graduated from a nursing education program within the four years immediately preceding the date of the application;

(B) If graduated from a nontraditional nursing education program, have practiced nursing as a registered professional nurse in a health care facility for at least one year in the three years preceding the date of the application and such practice is documented by the applicant and approved by the board;

(C) If entered a nontraditional nursing education program as a licensed practical nurse and graduated from such program and practiced nursing as a registered professional nurse in a health care facility for less than one year in the three years preceding the date of the application, have completed a 350 hour postgraduate preceptorship arranged by the applicant under the oversight of a registered professional nurse and where such applicant is transitioned from the role of a licensed practical nurse to a registered professional nurse. The preceptorship shall have prior approval of the board and successful completion of the preceptorship shall be verified in writing by the preceptor; or

(D) If entered a nontraditional nursing education program as a military medical corpsman or paramedic and graduated from such program and practiced nursing as a registered professional nurse in a health care facility for less than one year in the three years preceding the date of the application, have completed a 700 hour postgraduate preceptorship arranged by the applicant under the oversight of a registered professional nurse. Such preceptorship shall include clinical practice in a health care facility in pediatrics, obstetrics and gynecology, medical-surgical, mental illness, and transition

into the role of a registered professional nurse. The preceptorship shall have prior approval of the board and successful completion of the preceptorship shall be verified in writing by the preceptor;

(5) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for licensure by examination agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check; and

(6) Meet such other criteria as established by the board.

(d) An applicant for reinstatement who has previously held a valid license in Georgia shall:

(1) Submit a completed written application and fee;

(2) Have practiced nursing as a registered professional nurse for a period of time as determined by the board or have graduated from ~~a nursing education program approved by the board or which meets criteria similar to, and not less stringent than, those established by the board~~ an approved nursing education program, as defined in Code Section 43-26-3, within the four years immediately preceding the date of the application;

(3) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for licensure by examination agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check; and

(4) Meet such other criteria as established by the board.

(e) A nontraditional nursing education program shall meet the following requirements:

(1) Is part of an institution of higher education that is approved by the appropriate regulatory authorities of its home state;

(2) Holds regional and specialty accreditation by an accrediting body or bodies recognized by the United States Secretary of Education or the Council for Higher Education Accreditation;

(3) Requires its program applicants to be a licensed practical/vocational nurse, military medical corpsman, or paramedic;

(4) Requires its students to pass faculty determined program outcomes including competency based assessments of nursing knowledge and a summative performance assessment of clinical competency of a minimum of 2 1/2 days developed by faculty subject matter experts that follows nationally recognized standards for educational testing; and

(5) Its graduates pass a board recognized licensing examination at a rate equivalent to the minimum rate required for board approved traditional nursing education programs."

SECTION 3.

Said chapter is further amended by revising Code Section 43-26-8, relating to temporary permits, as follows:

"43-26-8.

(a) A temporary permit may be issued to an applicant for licensure by examination, endorsement, or reinstatement in accordance with criteria established by the board.

(b) A six-month temporary permit may be issued to a graduate of a nontraditional nursing education program that meets the requirements of subsection (c) of Code Section 43-26-7 to practice nursing only as a part of their board approved preceptorship. A temporary permit issued pursuant to this subsection may be renewed only one time for an additional six-month period."

SECTION 4.

Said chapter is further amended by revising Code Section 43-26-32, relating to definitions, by adding a new paragraph to read as follows:

"(1.1) 'Approved nursing education program' located in this state means a nursing education program approved by the board as meeting criteria established by the board. An 'approved nursing education program' located outside this state means a nursing education program that the board has determined to meet criteria similar to and not less stringent than criteria established by the board. In order to be approved by the board, a nursing education program must be one that is offered by:

(A) A unit of the University System of Georgia accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;

(B) An institution of the Technical College System of Georgia;

(C) A nonprofit postsecondary institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education;
or

206 (D) A proprietary institution of higher education that is accredited by a regional
207 accrediting agency recognized by the United States Department of Education."

208 **SECTION 5.**

209 Said chapter is further amended by revising subparagraph (a)(1)(C) of Code
210 Section 43-26-36, relating to application for licensure, as follows:

211 "(C) Has graduated from ~~a nursing education program approved by this board or which~~
212 ~~meets criteria similar to, and not less stringent than, those established by this board an~~
213 approved nursing education program, as defined in Code Section 43-26-32;"

214 **SECTION 6.**

215 Said chapter is further amended by revising subsections (a) and (b) of Code
216 Section 43-26-38, relating to license by endorsement, as follows:

217 "(a) The board, at its discretion, may issue a license to practice as a licensed practical
218 nurse, without examination, to any person who has a high school diploma or general
219 educational development (GED) diploma and has been duly licensed or registered as a
220 practical or vocational nurse or who is entitled to perform similar service under a different
221 designation under the laws of another state or territory of the United States if the license
222 or registration in that other state or territory is current and in good standing and was issued
223 based upon completion of an approved ~~program~~ nursing education program, as defined in
224 Code Section 43-26-32, and passage of an examination, which ~~program and~~ examination
225 ~~have~~ has been determined by the board to be substantially equal to or greater than the
226 requirements for licensure as a licensed practical nurse in this state and if such person has
227 engaged in the active practice of practical nursing as a licensed practical nurse within five
228 years immediately preceding the application; provided, however, that the requirement for
229 active practice shall not apply to an applicant who has graduated from an approved nursing
230 education program within one year of the date of application or who was initially licensed
231 within one year of the date of application.

232 (b) The board, at its discretion, may issue a license to practice as a licensed practical nurse,
233 with examination, to any person who has a high school diploma or general educational
234 development (GED) diploma and has been duly licensed or registered as a practical or
235 vocational nurse or who is entitled to perform similar service under a different designation
236 under the laws of another state or territory of the United States if the license or registration
237 in that other state or territory is current and in good standing and was issued based upon
238 completion of an approved ~~program~~ nursing education program, as defined in Code
239 Section 43-26-32, ~~substantially equal to or greater than the requirements of such programs~~
240 ~~in this state~~, except however, such applicant has not been duly examined according to the

241 prescribed examination approved by this board and if such person has engaged in active
242 practice of practical nursing as a licensed practical nurse within five years immediately
243 preceding the application."

244 **SECTION 7.**

245 This Act shall become effective upon its approval by the Governor or upon its becoming law
246 without such approval.

247 **SECTION 8.**

248 All laws and parts of laws in conflict with this Act are repealed.